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Neighborhood Commission  
530 S. King St., Room 400  
Honolulu, HI 96813

RE: Executive Secretary's request to amend the 2008 Neighborhood Plan to address the filling of Neighborhood Board vacancies which occur as a result of an insufficient number of candidates in an election; Petition for adoption, amendment, or repeal of rules pursuant to §2-11-104 of the Rules and Procedures of the Neighborhood Commission.

Dear Chair Tanimoto and members of the Commission:

Thank you for the opportunity to provide comments regarding the Executive Secretary's request to amend the 2009 Neighborhood Plan.

This letter contains:

- (1) Comments regarding the Plan amendment requested by the Executive Secretary; and
- (2) a petition for amendment of the rules in subtitle 2 (Neighborhood Commission) in accordance with §2-11-104 of the Rules and Procedures of the Neighborhood Commission.

In accordance with §2-11-104 the following information is provided:

- (1) My name, address, and phone are at the top of this letter.
- (2) My interest in the amendment is correct technical errors in the Neighborhood Plan by proposing a correction §2-14-104 as originally detailed in my letter to the Neighborhood Commission, dated September 5, 2007.

The specific items are A-15 on page 2 (originally §2-14-4 §2-17-3) and C-5 on page 3 of the letter. Note that the section numbers in the September 5, 2007 letter were subsequently changed prior to adoption of the rules and the Neighborhood Plan. (originally §2-14-4, now §2-14-104; originally §2-17-3, now §2-17-210)

A copy of the letter may be downloaded from a website this month at:  
<http://parlquest.com/misc/review.pdf>

- (3) The proposed amendment follows. Words to be struck out are in brackets; words to be inserted are underlined.

§2-14-104 Membership vacancy. (a) Any board member vacancy occurring [other than by the expiration of a term of office or declaration of vacancy pursuant to section 2-17-210] shall be filled by the board as soon as practicable after its occurrence. The remaining members of the board shall appoint a successor of requisite qualifications to fill the vacancy for the remainder of the unexpired term. The board may only fill vacancies for the board's current term.

[(b)] A vacancy shall be filled at a regular or special meeting of the board.

(c) A majority vote of all the members to which the board is entitled shall be necessary to appoint an individual of requisite qualifications to fill any vacancy.]

[(b)][(d)] Before [a board meeting] any board nomination or vote to fill a vacancy, each individual seeking appointment to the vacant seat shall provide evidence, satisfactory to the executive secretary or designee, that the individual is duly qualified to fill the vacancy.

[(c)][(e)] If one or more vacancies on a board or the failure of a board to achieve quorum in successive meetings interferes with the ability of a board to conduct its business, the commission may take action to fill any vacancy.

(4) My reasons for this proposed amendment follow:

- a. The board needs to be able to fill vacancies during their term, regardless of cause. There should be a restriction that clarifies that the board cannot fill vacancies in advance of the new board term. For example, a board in June 2009 should not be able to fill vacancies in advance of a newly seated board in July 2009.
- b. The removal of the restriction related to election vacancies and §2-17-210 in conjunction with the last sentence restriction in the proposed change to §2-14-104(a) should correct the existing problem and prevent future abuse.
- c. Board action can only occur at a regular or special meeting of the board. Therefore section (b) is unnecessary.
- d. Board action legally requires a majority of all members to which the board is entitled. Therefore, section (c) is also unnecessary.
- e. The qualification of neighborhood board members needs to be done during the meeting prior to an election. The pre-meeting restriction can be abused to reduce the pool of candidates since nominations for vacancies are not always known prior to the commencement of the board meeting.

Thank you for your consideration.

  
Steve Glanstein

SG:js

cc: Neighborhood Commission Office